

**REMARKS**

By this Amendment, Applicant amends claim 1 to include allowable claim 49, and cancels claim 49. Thus, claims 1-48 are pending. No new matter is added. In view of at least the following remarks, Applicants respectfully request prompt allowance of the pending claims.

*Allowable Subject Matter*

Applicant gratefully acknowledges the Office Action's indication that claims 10-48 are allowed and claim 49 recites allowable subject matter. As discussed below, claim 1 is amended to incorporate allowable claim 49. Thus, all of the pending claims are allowable or allowed.

*37 C.F.R. §1.116*

Entry of the amendment to claim 1 is proper under 37 C.F.R. §1.116 because the amendment: (a) places the application in condition for allowance by incorporating allowable claim 49 into independent claim 1, thereby rendering all claims allowable or allowed; (b) does not raise any new issue requiring further search and/or consideration because claim 49, which is incorporated into claim 1, has already been indicated as allowable; (c) does not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is being made in response to arguments raised in the final rejection. Applicant thus respectfully requests entry of the amendment.

*U.S.C. §101*

Claims 1-10 are rejected under 35 U.S.C. §101 as non-statutory. This rejection is mooted by the incorporation of allowable claim 49 into claim 1. Thus, Applicant respectfully requests withdrawal of the rejection.

\* \* \*

In view of at least the foregoing, Applicant respectfully submits that this application is in condition for allowance. Applicant earnestly solicits favorable reconsideration and prompt allowance of the pending claims.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicant invites the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JOC/ldg

Date: February 18, 2010

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